

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
ARMANDE MILHOUSE,
Defendant.

Case No. 18-cr-00127-PJH

ORDER DENYING MOTION FOR EARLY TERMINATION OF SUPERVISED RELEASE

Re: Dkt. No. 4

Before the court is the motion of defendant Armande Milhouse for early termination of supervised release pursuant to 18 U.S.C. § 3583(e). The government has filed an opposition to the motion. Milhouse's motion for early termination of supervised release is DENIED for the reasons set forth below.

On September 9, 2011, Milhouse pled guilty to one count of conspiracy to possess with intent to distribute more than 50 kilograms of marijuana. See Case No. 1:09-cr-00125 (N.D.N.Y). On November 8, 2012, the court sentenced Milhouse to 84 months in custody, to be followed by six years of supervised release. Milhouse's term of supervised release began on January 19, 2018, and on March 24, 2021, Milhouse filed the present motion for early termination of supervised release.

Early termination of supervised release is governed by 18 U.S.C. § 3583(e), which requires the court to consider factors set forth in §§ 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7). See United States v. Gross, 307 F.3d 1043, 1044 (9th Cir. 2002). After considering those § 3553(a) factors, the court may “terminate a term of supervised release and discharge the defendant released at any time after the expiration of one year of supervised release, pursuant to the provisions of the Federal Rules of Criminal Procedure relating to the modification of probation, if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of

1 justice." 18 U.S.C. § 3583(e)(1). See United States v. Miller, 205 F.3d 1098, 1101 (9th
2 Cir. 2000) (citing United States v. Lussier, 104 F.3d 32, 36 (2nd Cir. 1997)).

3 Having considered the relevant § 3553(a) factors, and finding no circumstances,
4 such as exceptionally good behavior during supervision, that would render the term of
5 supervision either too harsh or inappropriately tailored to reflect the seriousness of the
6 offense, to promote respect for the law, and to provide just punishment for the offense,
7 the court determines that early termination of supervised release is not warranted by
8 Milhouse's conduct and the interest of justice. See United States v. Emmett, 749 F.3d
9 817, 819 (9th Cir. 2014). In particular, the court notes that nearly half of Milhouse's six-
10 year term of supervised release remains to be served.

11 Milhouse's record of compliance with the conditions of his supervised release,
12 though commendable, is expected from a person on supervision and does not constitute
13 exceptional behavior that would warrant early termination. Other judges in this district
14 have similarly held that compliance with the terms of supervised release do not constitute
15 the type of changed circumstances or exceptionally good behavior warranting early
16 termination as contemplated by Lussier and its progeny. United States v. Bauer, CR 09-
17 980 EJD, 2012 WL 1259251 (N.D. Cal. Apr. 13, 2012) ("compliance with release
18 conditions, resumption of employment and engagement of family life [] are expected
19 milestones rather than a change of circumstances rendering continued supervision no
20 longer appropriate"); United States v. Grossi, CR 04-40127 DLJ, 2011 WL 704364 (N.D.
21 Cal. Feb. 18, 2011) ("Mere compliance with the terms of supervised release is what is
22 expected, and without more, is insufficient to justify early termination.").

23 Accordingly, Milhouse's motion for early termination of supervised release (Dkt. 4)
24 is DENIED.

25 **IT IS SO ORDERED.**

26 Dated: April 8, 2021

27 /s/ Phyllis J. Hamilton
28 PHYLLIS J. HAMILTON
United States District Judge